

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

James Frederick Ormsby - ProSe

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

United State Internal Revenue Service - Et Al

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case: 1:23-cv-11428

Judge: Steeh, George Caram

MJ: Morris, Patricia T.

Filed: 06-15-2023 At 01:34 PM

CMP Ormsby v. US IRS et al (krc)

Jury Trial: ☒ Yes ☐ No
(check one)

Complaint for a Civil Case

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

James Frederick Ormsby – ProSe

V.

1. The United States Federal Bureau of Investigation

A United States Corporation/Governmental Entity

2. Joseph Robinette Biden Jr.

President of the United States

AND AS Individual Private Citizen

3. Christopher Asher Wray

Commissioner – Federal Bureau of Investigaion

AND AS Individual Private Citizen

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	James Frederick Ormsby
Street Address	7615 S. Steel Road
City and County	St. Charles Saginaw County
State and Zip Code	Michigan 48655
Telephone Number	1-989-284-0703
E-mail Address	jormsb01@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	US-IRS
Job or Title (if known)	
Street Address	935 Pennsylvania Ave - NW
City and County	Washington DC
State and Zip Code	Washington DC 20353
Telephone Number	202-622-5000
E-mail Address (if known)	unknown

Defendant No. 2

Name	Joseph Robinette Biden Jr.
Job or Title (if known)	President
Street Address	1600 Pennsylvania Ave - NW
City and County	Washington DC
State and Zip Code	Washington DC
Telephone Number	202-456-1111
E-mail Address (if known)	unknown

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Defendant No. 3

Name	<u>Christopher Asher Wray</u>
Job or Title (if known)	<u>Commissioner - Federal Bureau of Investigation</u>
Street Address	<u>935 Pennsylvania</u>
City and County	<u>Washington DC</u>
State and Zip Code	<u>Washington DC 20535</u>
Telephone Number	<u>202-662-5000</u>
E-mail Address (if known)	<u></u>

Defendant No. 4

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

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A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 U.S. Code 1343 - Wire Fraud

18 U.S.C. 2(a) - Aiding and Abetting

Title 18.2 - 18.2.178.2 Financial exploitation

Title 10 -D1 - Chapter 2 Art 10 - 21002 Def. (b) Adult with Disability - (h) Elderly

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____,
is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name) _____,
and has its principal place of business in the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated
under the laws of the State of (name) _____, and
has its principal place of business in the State of (name) _____. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

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3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

Wire Fraud - \$58,000

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The federal Bureau of Investigation refused to investigate and prosecute a documented criminal activity - Wire Fraud Across State Lines - involving a handicapped senior citizen - involving moneys in the amount of \$58,000 - thereby discriminating against a senior citizen and by the actions of the FBI Aiding and Abetting in the criminal activity by Nonfeasance of office.

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IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Complete investigation of the criminal activity of the FBI regarding the Nonfeasance of Office.
2. Damages for the non-action of the FBI - Punitive: \$580,00 - Exemplary: \$580,000 - for the Nonfeasance of office.
3. Removal of the individuals involved in the improper actions of the FBI.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 15, 2023

Signature of Plaintiff

Printed Name of Plaintiff

Jamies Frederick Ormsby

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Additional Information:

NOTE: A million dallars would not be enough for the hardship involved and endured with respect to the failure of the FBI to do the mandated activity required by law.

Please see attached sheets for additional information for the court.

James F. Ormsby

7615 S. Steel Rd.

St. Charles, MI 48655

Telephone #: (989) 284-0703

October 15, 2021

1
2
3
4
5 Federal Bureau of Investigation
6 935 Pennsylvania Avenue, NW
7 Washington, D.C. 20535-0001
8

9 Greetings:

10
11 As a Handicapped Senior Citizen of the United States of America, residing within the State of
12 Michigan, Saginaw County, I have made several attempts to file a criminal complaint against an
13 individual who has, in my opinion, committed a Federal Offense, with the Federal Bureau of
14 Investigation – by phone – numerous times without success.

15
16 Basically, the individual(s) taking the complaint over the phone have dismissed the complaint in
17 total and if recalled correctly – advised it was not a Federal Crime, but a State issue only.

18
19 The complaint is as follows:

20
21 On November 20, 2018, a wire transfer of \$58,000.00 was made by me, James F. Ormsby, from
22 the Chase Bank, located at 2020 McKellips, Mesa, AZ, 85213, to the bank account of Jacob D.
23 Pena/Elite Construction, First State Bank of Midland, located at 400 Ashman St. Midland,
24 Michigan 48640. The \$58,000.00 transfer was confirmed by the Chase Bank, 2020 McKellips,
25 Mesa AZ, approximately 20 minutes after the transfer.

26
27 Documentation obtained, regarding this matter, shows that the moneys of the transfer, as
28 made, were not used for the intended purpose of working on the New House Build at 7615 S.
29 Steel Road, St. Charles, MI 48655, which supports the FRAUD issue. The documentation shows
30 that the transferred moneys were used to pay off personal and business matters not related to
31 the intended given reason of requiring the moneys for the New Build House at 7615 S. Steel
32 Rd., St. Charles, MI 48655. The moneys, as transferred to Jacob D. Pena/Elite Construction
33 were used to pay off personal debts of Jacob D. Pena/Elite Construction, and personal loans to
34 family members.

35
36 In checking, it has been found that a wire transfer across state lines is a 20-year Federal Felony
37 with respect to the 'intent to defraud an individual'. An additional 10 years is added to the
38 Federal Felony if the charge if it involves a US Citizen over the age of 65 and involves a sum of
39 money in excess of \$50,000.00.
40

With respect to the Federal Felony, at the time of the wire transfer, I, James F. Ormsby, was over the age of 65, being 72 years of age. The issue of being handicapped involves the issue of having cancer. The threshold of \$50,000 was passed by \$8,000.00, making it a 30-year Federal Felony. Also, if correct, the issue of across state lines is met, as there are numerous state lines between Mesa Arizona and Midland Michigan.

In my opinion, as a Handicapped Senior Citizen of the United States of America, residing within the State of Michigan, I have the right to file a complaint with the Federal Bureau of Investigation, regardless of the fact that the matter also involves other State [Felony] Crimes, and if in my opinion the crime was committed by Jacob D. Pena/Elite Construction within the State of Michigan, I, as a Handicapped Senior Citizen of the United States of America, residing within the State of Michigan have the right to have the Federal Bureau of Investigation to investigate the matter as it is their duty as Federal Law Enforcement Officers to investigate such matters.

Specifically, I, James F. Ormsby, am filing a Federal Felony Complaint OF WIRE FRUAD IN VOLVING THE SUM OF \$58,000.00, ACROSS STATE LINES, against Jacob D. Pena, 184 N. Venner Rd., Midland, MI 48640-8106, whom in my opinion, as the documented evidence shows, committed the criminal act which is the basis of this complaint.

In closing:

1. It is understood that in making the complaint, the likelihood that the Federal Bureau of Investigation is going to do its assigned duty and investigate this complaint is acknowledged as "Slim to none with Slim having left town". This acknowledgement comes from many years as a law enforcement officer dealing with Federal Agencies/Agents and doing my duties as a law enforcement officer which at times did not set well with the Agents.
2. When viewing this complaint, it is acknowledged that there are two (2) venues involved. There are the State [Michigan] Crimes and the Federal [United States] Crimes. I am specifically requesting that the Federal Bureau of Investigation deal with only the Federal violation(s) of the law.

Further, as this complaint is now being presented 'in physical form' the Statute of Limitations is removed for future action(s) as the complaint is being presented and action requested within the 5-year Statute of Limitations.

Respectfully,

James F. Ormsby

Attached: Documents supporting the complaint

85

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FAQs >

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(<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at a postal facility at 10:43 am on September 1, 2021 in SAGINAW, MI 48601.

Feedback

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

SAGINAW, MI 48601

September 1, 2021, 10:43 am

Departed USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER

August 31, 2021, 3:01 pm

Arrived at USPS Regional Facility

PONTIAC MI DISTRIBUTION CENTER

August 30, 2021, 10:13 pm

Departed Post Office

SAINT CHARLES, MI 48655

August 30, 2021, 4:31 pm

USPS in possession of item

SAINT CHARLES, MI 48655

August 30, 2021, 10:44 am



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USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Feedback

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

County in which action arose: _____

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James Fredrick Ormsby - ProSe

DEFENDANTS

US-IRS

(b) County of Residence of First Listed Plaintiff Sagnew County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Washington DC
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: Case: 1:23-cv-11428
Judge: Steeh, George Caram
MJ: Morris, Patricia T.
Filed: 06-15-2023 At 01:34 PM
CMP Ormsby v. US IRS et al (krc)

Attu
Unk

(c) Attorneys (Firm Name, Address, and Telephone Number)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZEN (For Div)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 U.S. Code 1343 - Wire Fraud 18 U.S.C. 2(a) aiding & Abtting 18.2-178.2 - Financial Exploitation Title 10 Article 10 - 21002 (b) & (h)
 Brief description of cause:
 Failure of the US-IRS to do their job - as required by law and discrimination of a haandicapped US Citizen

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
